#08MJ2499-AJB

USA -v- Cordero-Gutierrez

PROB 12C(7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

2008 AUG -5 AM 10: 18

U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS

BY ____________ DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Enrique Cordero-Gutierrez

Case Number: EP-05-CR-305DB(1)

Name of Sentencing Judicial Officer: David Briones, United States District Judge

Date of Original Sentence: June 9, 2005

Original Offense: Illegal Re-entry , 8 U.S.C. § 1326

Original Sentence: Twenty-seven (27) months custody of the Bureau of Prisons, followed by three (3) years non-reporting supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: January 12, 2007

Assistant U.S. Attorney: Kristal M. Wade

Defense Attorney: Rita Rodriguez

PETITIONING THE COURT

[X] To issue a warrant

[ ] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number 1: The Defendant shall not commit another federal, state or local crime.

Violation Number 2: The Defendant shall not illegally re-enter the United States.

Nature of Noncompliance: According to an investigation report prepared by the Department of California Highway Patrol, on September 3, 2007, a traffic stop was initiated for Enrique Gutierrez Cordero; TN: Enrique Cordero-Gutierrez, for Failure to Obey a Regulatory Sign. The officer requested identification from Cordero-Gutierrez; however, he was unable to comply and exhibited signs of nervousness. A subsequent search of his person revealed a baggie containing methamphetamine and a baggie containing cocaine. On September 11, 2007, Cordero-Gutierrez was convicted of Possession of a Controlled Substance for Sale in the Barstow Superior Court, in Barstow, California, under Case No. FBA700373. On September 17, 2007, Cordero-Gutierrez was sentenced to 16 months custody of the California Department of Corrections (CDC). On May 14, 2008, Cordero-Gutierrez was paroled from CDC and removed from the United States.

COURT EXHIBIT 8-18-08

Customs and Border Protection records revealed that Cordero-Gutierrez had not received consent from the Attorney General of the United States to reapply for admission into the United States subsequent to his removal to Mexico on or about January 12, 2007.

U.S. Probation Officer Recommendation:

[X] The term of supervision should be

[X] revoked.

[ ] extended for ____________ years, for a total term of ______________ years.

[ ] The conditions of supervision should be modified as follows:

Approved by,

Elverto Bustamante
Supervising U.S. Probation Officer
(915) 585-6512

Respectfully submitted by,

David Rolle
U.S. Probation Officer
Date: July 29, 2008

THE COURT ORDERS:

[ ] No action.

[✓] The issuance of a warrant.

[ ] The issuance of a summons.

[ ] Other

David Briones
United States District Judge

8-1-08

Date